

## **EXHIBIT LRP2006-00001:D – CEQA FINDINGS**

**TO:** Board of Supervisors  
**FROM:** James Caruso, Senior Planner  
**DATE:** February 9, 2010 / Revised April 27, 2010  
**SUBJECT:** Submittal of CEQA-Required Findings for the Conservation and Open Space Element EIR; State Clearinghouse No. 2008031091

### **I. PROJECT DESCRIPTION**

The proposed project by the County of San Luis Obispo is the adoption and subsequent implementation of the Conservation and Open Space Element (COSE) of the San Luis Obispo County General Plan. The COSE Consolidation and Update will consolidate and revise five adopted General Plan elements (Conservation, Historic, Esthetic, Energy and Open Space); incorporate key issues from other General Plan elements, Community Plans and Area Plans; and add new environmental issues (water resources, air quality, green building), to create a Conservation and Open Space Element with nine policy chapters.

The project and alternatives are described in more detail in the COSE Final EIR, and Appendices thereto, and the staff report accompanying these findings.

The EIR analysis completed for the COSE Consolidation and Update has determined that there are no significant impacts associated with the project. In fact, in many cases, implementation of the proposed policies would result in a Class IV, beneficial impact.

Therefore, there are no alternatives that meet the CEQA rule of reason for an alternative; specifically, limiting the selection of alternatives “to ones capable of avoiding or substantially lessening any significant effects of the project.”

A number of alternatives were considered but were not selected for further evaluation in this EIR because they were determined to be infeasible, would not attain the basic objectives of the project or would not avoid or substantially lessen one or more of the significant effects. The alternatives considered but not selected include the following:

- Off-Site Alternative
- Reorganization of Policies Only (No Update to Policies)
- Update of Conservation and Open Space Elements Only (No Reorganization of Policies)
- Less (or More) Conservation Oriented Policies

As required by CEQA, the EIR evaluated a “No Project Alternative.” Under the No Project Alternative, no update or consolidation of the COSE would occur. The County would rely on

conservation and open space policies in the adopted General Plan, which have been identified as outdated, difficult to find and use, inconsistent with community needs and issues, and lacking innovative natural resource conservation, open space preservation, and climate protection measures. Therefore, the No Project Alternative would not meet the basic objectives of the project; it is inferior to the proposed project.

#### History and Project Background

In 2006, the San Luis Obispo County Board of Supervisors directed staff to consolidate and update the current adopted General Plan by preparing a Conservation and Open Space Element (COSE). The COSE would improve the usability and effectiveness of the General Plan document by consolidating various elements of the adopted General Plan and incorporating additional smart growth principles and resource-based policies.

The proposed project is the adoption and subsequent implementation of the COSE Consolidation and Update. The proposed COSE unites five elements of the existing General Plan and incorporates timely and effective conservation strategies. The consolidated elements include three elements (Conservation, Historic, and Esthetic) of the 1974 Environment Plan, the 1994 Energy Element, and the 1998 Open Space Element (extracted from the Agriculture and Open Space Element). Each of these five elements is briefly described below:

- **Environment Plan, Conservation Element (1974):** This Element contained policies regarding water conservation, water pollution, flood control, air resources, and biological resources.
- **Environment Plan, Historic Element (1974):** Contained historical and archaeological resource policies.
- **Environment Plan, Esthetic Element (1974):** Contained noise, odor, and visual policies.
- **Energy Element (1995):** Addressed energy conservation and efficiency, distribution and generation.
- **Open Space Element (1998):** Addressed open space, scenic resources, cultural resources, biological resources, recreation areas, natural area preserves, streams and riparian corridors, and marine resources.

In addition, the proposed project revises the existing goals, policies, and programs of these elements, incorporates new information to address current environmental conditions, conservation issues and strategies, and organizes the information to improve the usability of the document.

The proposed COSE addresses all of the topics previously identified in the separate five elements as well as new issues, policies and strategies in the following nine chapters:

- |                        |                    |
|------------------------|--------------------|
| • Air Quality          | • Open Space       |
| • Biological Resources | • Soil Resources   |
| • Cultural Resources   | • Visual Resources |
| • Energy               | • Water Resources  |
| • Mineral Resources    |                    |

Once adopted, the new COSE would replace the Environment Plan of 1974 (Historic Element, Conservation Element, and Esthetic Element), the Energy Element (1994), and the Open Space Element (1998).

It is important to note that the COSE has extracted the Open Space Element out of the existing the Agriculture and Open Space Element and does not modify, amend or replace the Agricultural Element of the 1998 document. Modifications or amendments to the Agricultural Element may occur but would be part of a future update process and would require separate environmental review.

The Conservation and Open Space Element emphasizes protection and management of natural resources, which integrates into land use planning processes. As such, other General Plan elements may still contain policies that address open space or conservation topics as part of other County objectives.

The goals, policies and programs of the COSE, through design, are intended to reduce environmental impacts and thus serve as the project's "mitigation measures" for the purposes of CEQA review. Throughout the EIR, the mitigation section refers back to the policies and programs of the COSE.

The EIR provides the environmental information and analysis and primary CEQA documentation necessary to adequately consider the effects of implementation of the COSE Consolidation and Update. The County of San Luis Obispo, as lead agency, has approval authority and responsibility for considering the environmental effects of the whole of the project.

A set of actions must be taken by the County to complete the General Plan process, including certification of the EIR, adoption of a General Plan amendment, and other miscellaneous implementation actions

## **II. THE RECORD**

For the purposes of CEQA and the Findings IV-VI, the record of the Planning Commission and Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and Board of Supervisors during the public hearings on the project.
2. The COSE Final EIR (June 2009).
3. The COSE and supporting materials.
4. The COSE Staff Reports prepared for the Planning Commission/Board of Supervisors.
5. Matters of common knowledge to the Commission/Board which it considers, such as:
  - a. The County General Plan, including the land use maps and elements thereof;
  - b. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
  - c. The County of San Luis Obispo Environmental Quality Act Guidelines;
  - d. The County Annual Resources Summary Report;
  - e. The Clean Air Plan, and South County Air Quality Mitigation Program;

- f. The Countywide Growth Management Ordinance;
- g. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
- h. Additional documents referenced in the Final EIR for the COSE.

### III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Planning Commission recommends to the Board of Supervisors that they certify the following with respect to the COSE Final EIR:

- A. The Board of Supervisors has reviewed and considered the COSE Final EIR.
- B. The Final Environmental Impact Report for the COSE has been completed in compliance with the California Environmental Quality Act.
- C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission and Board of Supervisors, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the COSE.
- D. The COSE Final EIR reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

### IV. FINDINGS FOR IMPACTS IDENTIFIED AS BENEFICIAL (Class IV)

*The findings below are for Class IV impacts. Class IV impacts are impacts that would have an effect that would reduce existing environmental problems or hazards.*

#### A. Aesthetics/Visual Resources (Class IV)

- 1. **Impact 3.3-1.** Implementation of the proposed COSE Consolidation and Update would add greater protection and preservation of San Luis Obispo County's scenic resources by requiring land use restrictions, design guidelines, and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing scenic resource policies and because the policies have been specifically designed to avoid, or strategically locate visually objectionable development and enhance the aesthetics of county lands, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to aesthetic and visual resources.
  - c. **Supportive Evidence** – Please refer to pages 3.1-2 through 3.1-3 of the Final EIR.

**B. Air Quality (Class IV)**

1. **Impact 3.3-1.** Implementation of the proposed COSE Consolidation and Update would formalize new policies that would not conflict with or obstruct implementation of the applicable 2001 CAP, as it would not result in additional growth beyond what is already planned for in the General Plan. Rather, these policies would help reduce projected emissions of ozone precursors ROG and NO<sub>x</sub> that were addressed in the 2001 CAP.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – The COSE Consolidation and Update does not include goals, policies, or strategies that would alter or exceed buildout as directed by the General Plan. As such, the COSE Consolidation and Update would not impact the 2001 CAP countywide population projection of 305,854 residents in 2015. In addition, the proposed update would call for more clustered growth in areas where transportation infrastructure and other resources can accommodate the demands of such growth, thereby reducing the rate of growth of VMT. Furthermore, the COSE Consolidation and Update would further implement TCMs in the 2001 CAP by incorporating TCM’s as policies and strategies in the COSE. The proposed COSE policies will promote more use of alternative transportation modes (e.g., bicycle, public transit, walking) and land use strategies that are consistent with the land use and transportation policies from Appendix E of the 2001 CAP. Impacts would be beneficial.
  - c. **Supportive Evidence** – Please refer to page 3.3-3 and 3.3-4 of the Final EIR.
2. **Impact 3.3-2.** The proposed COSE Consolidation and Update would not result in any further exceedances of State AAQS or contribute substantially to projected violations of federal 8-hour ozone or localized CO or PM<sub>10</sub> standards. Rather, the COSE would implement policies that would help reduce the potential for future exceedances of State and federal standards for regional and localized pollutants.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – The following summarizes the key COSE policies that are expected to ensure that future violations of CO, PM<sub>10</sub>, or other ambient air quality standards are less likely including:

**Policy AQ 3.2** and associated implementation strategy would increase the County’s ability to attain and/or stay below federal or state ambient air quality standards (more stringent if not the same) for measured criteria pollutants.

**Policy AQ 3.8** would require the County to reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions from unpaved and paved county roads to the maximum extent feasible.

Impacts would be beneficial.
  - c. **Supportive Evidence** – Please refer to page 3.3-5 of the Final EIR.
3. **Impact 3.3-3.** The proposed COSE Consolidation and Update would not result in any net increase of ROG or NO<sub>x</sub> emissions that are precursors to ozone.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.

b. **Findings** – The COSE includes policies that would reduce ROG and NOx emissions from motor vehicles through operational improvements, land use strategies, and enhancement of alternative modes of transportation and actually reduce emissions. Impacts would be beneficial.

c. **Supportive Evidence** – Please refer to page 3.3-5 and Table 3.3-2 (page 3.3-6) of the Final EIR.

4. **Impact 3.3-4.** Implementation of the proposed COSE update would promote land use strategies that reduce the potential to expose sensitive receptors to unhealthful concentrations of localized pollutants CO, PM10, and PM2.5.

a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.

b. **Findings** – The COSE includes several policies designed to reduce the potential for location of sensitive receptors near such sources, or vice-versa, including:

**Policy AQ 3.6 Strategic growth principles**

Ensure that implementation of the Strategic Growth principles and goals are balanced with protection of sensitive receptors near high-volume transportation routes and sources of toxic emissions.

**Implementation Strategy AQ 3.6.1**

Provide an analysis of potential health risks and identify mitigation measures to reduce risk to acceptable levels for projects involving sensitive receptors proposed within 500 feet of freeways and high-speed highways, consistent with APCD criteria.

Impacts would be beneficial.

c. **Supportive Evidence** – Please refer to page 3.3-7 of the Final EIR.

5. **Cumulative Impact 1.**

a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.

b. **Findings** – The proposed COSE update would help implement the County’s Strategic Growth Principles, energy efficiency measures, and other strategies that would help reduce GHG emissions from transportation, energy, and other source categories over time. When coupled with technology-forcing regulations (e.g., low-carbon fuels, motor vehicle engine emission standards), this would help reduce the county’s carbon-based GHG emissions and is consistent with AB 32’s goal of reducing 2020 greenhouse gas emissions to 1990 levels. Impacts would be beneficial.

c. **Supportive Evidence** – Please refer to pages 4.07 through 4.08 of the Final EIR.

C. **Biological Resources (Class IV)**

1. **Impact 3.4-1.** Implementation of the proposed Conservation and Open Space Element would add greater protection and preservation of San Luis Obispo County’s species and habitat by requiring land use restrictions, design guidelines, and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
- b. **Findings** – The policies and programs of the proposed COSE will strengthen biological resource policies and because the proposed policies have been specifically designed to provide greater protection of species and habitat, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to biological resources.
- c. **Supportive Evidence** – Please refer to pages 3.4-3 through 3.4-4 of the Final EIR.

**D. Cultural and Paleontological Resources (Class IV)**

- 1. **Impact 3.5-1.** Implementation of the proposed Conservation and Open Space Element would add greater protection and preservation of San Luis Obispo County’s cultural and historic resources by requiring cultural education, outreach, acquisition, preservation and protection measures consistent with, and more stringent than, plans programs and policies currently adopted by the County.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing cultural and paleontological resource policies and because the policies have been specifically designed to preserve and protect the county’s cultural and paleontological resources, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to these resources.
  - c. **Supportive Evidence** – Please refer to pages 3.5-2 through 3.5-3 of the Final EIR.

**E. Geology and Soils (Class IV)**

- 1. **Impact 3.6-1.** Implementation of the proposed COSE Consolidation and Update would provide greater conservation and protection of the county’s important soils by requiring land use restrictions, guidelines, and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing soil resource policies and because the policies have been specifically designed to avoid impacts to important soils and to reduce erosion and topsoil loss, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to soil resources.
  - c. **Supportive Evidence** – Please refer to page 3.6-4 of the Final EIR.

**F. Hydrology and Water Quality (Class IV)**

- 1. **Impact 3.7-1.** Implementation of the proposed COSE Consolidation and Update would improve San Luis Obispo County’s water quality by requiring land use restrictions, design

guidelines and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
- b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing water resource policies and because the policies have been specifically designed to expand, protect, and improve water quality, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to water quality.
- c. **Supportive Evidence** – Please refer to pages 3.7-3 through 3.7-4 of the Final EIR.

- 2. **Impact 3.7-2.** Implementation of the proposed COSE Consolidation and Update does not lead to any additional population growth (and therefore groundwater demand and extraction) than is anticipated in the County’s adopted General Plan. Implementation of the proposed policies would actually serve to reduce the demand on groundwater (and potential loss of flow to surface water) by requiring additional water resource and conservation plans, programs, and policies than are currently adopted by the County.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself. .
- b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing water resource policies and because the policies have been specifically designed to protect groundwater from overuse, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to groundwater.
- c. **Supportive Evidence** – Please refer to pages 3.7-4 through 3.7-5 of the Final EIR.

- 3. **Impact 3.7-3.** Implementation of the proposed COSE Consolidation and Update would add greater from flooding by requiring land use restrictions, design guidelines, and discretionary project review consistent with, and more stringent than, plans programs and policies currently adopted by the County.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
- b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing flooding protection programs and policies and because the policies have been specifically designed to prevent flooding and avoid damage to life, structures, and natural resources from floods, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to flood control.
- c. **Supportive Evidence** – Please refer to pages 3.7-5 through 3.7-6 of the Final EIR.

#### **G. Land Use and Planning (Class IV)**

- 1. **Impact 3.8-1.** Implementation of the proposed COSE Consolidation and Update will result in better organization, identification and implementation of relevant conservation and open space policies consistent with, and inclusive of, the General Plan, individual Area Plans, Strategic Growth Principles, and new (or anticipated) state requirements. As the proposed



Update and Consolidation serves to *reduce* conflicts with applicable plans and policies adopted for the purpose of avoiding or mitigating an environmental effect.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
- b. **Findings** – Because the proposed COSE Consolidation and Update make relevant conservation and open space policies easier to find and use, because policies and programs of the proposed COSE strengthen existing resource policies, and because the policies have been specifically designed to update and resolve inconsistencies with programs and policies adopted for the purpose of avoiding or mitigating and environmental effect, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to land use and planning.
- c. **Supportive Evidence** – Please refer to pages 3.8-6 through 3.8-7 of the Final EIR.

#### H. Public Services and Utilities (Class IV)

- 1. **Impact 3.9-1.** Implementation of the proposed COSE Consolidation and Update does not lead to any additional population growth (and therefore water demand) than is anticipated in the County’s adopted General Plan. Implementation of the proposed policies would actually serve to increase water supply and reduce water demand by requiring additional water resource and conservation plans, programs, and policies than are currently adopted by the County.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing water resource policies and because the policies have been specifically designed to expand available water resources through desalination and other methods, reduce water use, improve water quality, and conserve resources, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to water supply and demand.
  - c. **Supportive Evidence** – Please refer to pages 3.9-8 through 3.9-9 of the Final EIR.
- 2. **Impact 3.9-3.** Implementation of the proposed COSE Consolidation and Update does not lead to any additional population growth (and therefore Solid Waste Service and Disposal) than is anticipated in the County’s adopted General Plan. Implementation of the proposed policies would actually serve reduce waste and associated disposal needs by requiring additional recycling, waste diversion and reuse plans, programs and policies than are currently adopted by the County.
  - a. **Mitigation** – No mitigation is required.
  - b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing solid waste and disposal policies and because the policies have been specifically designed to improve recycling, waste diversion and reuse plans to reduce the amount of solid waste and the need for solid waste disposal, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to solid waste services.

c. **Supportive Evidence** – Please refer to page 3.9-9 of the Final EIR.

**I. Traffic and Circulation (Class IV)**

1. **Impact 3.10-1.** Implementation of the proposed COSE Consolidation and Update will reduce vehicle miles traveled (VMT), improving transportation efficiency (thus improving level of service) and increase alternative transportation use by requiring land use restrictions, design guidelines, discretionary project review and program/policy coordination consistent with, and more stringent than, plans programs and policies currently adopted by the County.

a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.

b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing traffic, circulation, and alternative transportation policies and because the policies have been specifically designed to reduce VTM, improve level of service, and increase alternative transportation use, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to traffic, circulation, and alternative transportation use.

c. **Supportive Evidence** – Please refer to page 3.10-5 of the Final EIR.

<b>V. FINDINGS FOR IMPACTS IDENTIFIED AS NOT SIGNIFICANT (Class III)</b>
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*The findings below are for Class III impacts. Class III impacts are impacts that may be adverse, but do not exceed the threshold levels and do not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.*

**A. Aesthetics / Visual Resources (Class III)**

1. **Cumulative Impact.** Cumulative development throughout the unincorporated San Luis Obispo County area has the potential to impact aesthetics and visual resources.

a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.

b. **Findings** – The policies and programs of the proposed COSE Consolidation and Update have been specifically designed to avoid visual impacts, or strategically locate visually objectionable development and enhance the aesthetics of county lands. Implementation of the policies will result in a beneficial impact to aesthetic and visual resources within the County’s jurisdiction. Therefore, when considered within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update will not result in a cumulative impact. Impacts would be less than significant.

c. **Supportive Evidence** – Please refer to page 4.0-2 of the Final EIR.

**B. Agricultural Resources Resources (Class III)**

1. **Impact 3.2-1.** Adoption of scenic protection standards, identification of community separators, and designation of scenic corridors consistent with the COSE Consolidation and Update would enact policies and programs that directly and indirectly influence agricultural operations. However, goals, policies, and programs contained in the proposed COSE are consistent with agricultural protection policies contained in the Agricultural Element and other existing preservation documents, and reiterates that any proposed regulations will not restrict or interfere with private property or agricultural operations.
    - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
    - b. **Findings** – The COSE Consolidation and Update provides policies to ensure that agricultural resource proposed protection measures do not conflict with agricultural use or operations. In addition, the COSE builds on and strengthens existing Agriculture Element policy AGP30. Impacts would be less than significant.
    - c. **Supportive Evidence** – Please refer to page 3.2-6 of the Final EIR.
  2. **Cumulative Impact.** Cumulative development throughout the unincorporated San Luis Obispo County area would have the potential to gradually convert agricultural land to non-agricultural use.
    - a. **Mitigation** – Policies that mitigate cumulative impacts would be the same as those under the individual impacts category (see above). No additional policy/mitigation is required.
    - b. **Findings** – The proposed COSE Consolidation and Update provides policies to ensure that proposed agricultural resource protection measures do not conflict with agricultural use or operations within the County’s jurisdiction. In addition, the COSE builds on and strengthens the County’s existing policies. Therefore, when considered within the context of the county, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
    - c. **Supportive Evidence** – Please refer to pages 4.0-2 through 4.0-3 of the Final EIR.
- C. **Air Quality (Class III)**
2. **Cumulative Impact 2.** Climate change has the potential to significantly alter the California landscape, economy, and public health. While the COSE helps implement the County’s Strategic Growth Principles that could shift more growth away from sprawling development patterns toward urbanized areas with better transportation infrastructure, it would not increase the exposure of the public to significant risks associated with sea level rise or other potential effects of global climate change on San Luis Obispo County.
    - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
    - b. **Findings** – The proposed COSE policies would not result in a substantial adverse exposure of the public to potential impacts associated with climate change such as sea-level rise, decrease in agricultural productivity, unpredictable weather, increased rate of wildfires, negative impacts on wildlife, deteriorating public health, or decreasing supply of fresh water. Impacts would be less than significant.

- c. **Supportive Evidence** – Please refer to pages 4.0-9 through 4.0-10 of the Final EIR.

**C. Biological and Natural Resources (Class III)**

**1. Cumulative Impacts.** Cumulative Impacts to biological and natural resources.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
- b. **Findings** – Implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to the county’s biological resources because the COSE policies and programs strengthen existing biological resource policies and because the proposed policies have been specifically designed to provide greater protection of species and habitat. Therefore, when considered within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
- c. **Supportive Evidence** – Please refer to page 4.0-11 of the Final EIR.

**D. Cultural and Paleontological Resources (Class III)**

**1. Cumulative Impact.** Cumulative development throughout the greater San Luis Obispo County area would have the potential to disturb yet unidentified cultural resources.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
- b. **Findings** – It is anticipated that potential impacts to cultural resources within unincorporated lands and within the cities would be addressed on a case-by-case basis through site-specific investigations and, if necessary, surveys. Mitigation anticipated to be developed for individual development projects in the area is expected to reduce impacts to cultural resources to a less than significant level. Because the policies and programs of the proposed COSE will strengthen the county’s existing cultural and paleontological resource policies and because the policies have been specifically designed to preserve and protect the county’s cultural and paleontological resources, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to these resources within unincorporated lands. Therefore, when considered within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
- c. **Supportive Evidence** – Please refer to page 4.0-11 of the Final EIR.

**D. Geology and Soils (Class III)**

**1. Cumulative Impact.** Cumulative development throughout the greater San Luis Obispo County area may impact, or result in the loss of, important soils.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.

- b. **Findings** – The proposed COSE Consolidation and Update contains policies that have been specifically designed to avoid impacts to important soils and to reduce erosion and topsoil loss. Therefore, implementation of the project would result in a beneficial impact to county soils. Considered together within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
- c. **Supportive Evidence** – Please refer to page 4.0-11 of the Final EIR.

**E. Hydrology and Water Quality (Class III)**

- 1. **Cumulative Impact.** Cumulative development throughout the unincorporated county may impact water quality, groundwater resources and result in drainage alterations that lead to increased flooding.
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Policies proposed COSE Consolidation and Update have been specifically designed to improve the county’s water quality and availability and prevent flooding on county lands – resulting in a beneficial impact. Considered together within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
  - c. **Supportive Evidence** – Please refer to pages 4.0-11 through 4.10-12 of the Final EIR.

**F. Land Use and Planning (Class III)**

- 1. **Cumulative Impact.**
  - a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Many policies of the proposed COSE Consolidation and Update have been specifically designed to update and resolve inconsistencies with County programs and policies. Considered together within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
  - c. **Supportive Evidence** – Please refer to page 4.10-12 of the Final EIR.

**G. Public Services and Utilities (Class III)**

- 1. **Impact 3.9-2.** Implementation of the proposed COSE Consolidation and Update does not increase population growth (and therefore water demand or wastewater capacity. Although policies within the COSE direct growth towards urban areas, the overall strategies to increase availability and reduce demand for water resources serve to offset any potential increase in infrastructure demand in urban areas.

- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Implementation of new and expanded policies and programs of the proposed COSE Consolidation and Update will result in an overall increase in availability and a decrease in demand for water resources to limit the need for additional infrastructure. Impacts would be less than significant.
  - c. **Supportive Evidence** – Please refer to page 3.9-9 of the Final EIR.
2. **Cumulative Impact.** Cumulative development throughout the unincorporated county will incrementally increase demand on wastewater systems, solid waste generation, fire protection, police/emergency services, student generation, and parks and recreation demand.
- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Implementation of the proposed COSE Consolidation and Update will not lead to population growth and will not result in the need for new governmental facilities. Implementation of the proposed COSE will result in a beneficial impact to the county’s water supply and solid waste service through implementation of policies specifically designed to expand upon and improve these services. Considered together within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
  - c. **Supportive Evidence** – Please refer to page 4.0-12 of the Final EIR.
- H. Traffic and Circulation (Class III)**
1. **Cumulative Impact.** Cumulative traffic increases associated with future additional development throughout the unincorporated county would incrementally increase traffic levels along roadways and increase demands on pedestrian facilities, bicycle facilities, airport services, rail services, and transit services.
- a. **Mitigation** – The COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself.
  - b. **Findings** – Because the policies and programs of the proposed COSE will strengthen existing traffic, circulation and alternative transportation policies and because the policies have been specifically designed to reduce VTM, improve level of service, and increase alternative transportation use, implementation of the proposed COSE Consolidation and Update will result in a beneficial impact to traffic, circulation and alternative transportation use in the unincorporated county. Considered together within the context of the greater San Luis Obispo area, the implementation of the proposed COSE Consolidation and Update not result in a cumulative impact. Impacts would be less than significant.
  - c. **Supportive Evidence** – Please refer to page 4.0-12 of the Final EIR.

## **VI. CEQA GENERAL FINDINGS**

- A.** The Board of Supervisors finds that no changes or alterations are necessary because the project will not result in significant impacts.
- B.** The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. As the COSE Consolidation and Update is by design “self-mitigating.” No mitigation is required beyond implementation of the COSE itself. Therefore, the Mitigation Monitoring Program is essentially the Implementation Strategies of the COSE. The Mitigation Monitoring Program (implementation of the policies outlined in the COSE) ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

## **VII. FINDINGS REGARDING RECIRCULATION OF THE EIR**

**A.** The Board of Supervisors finds that no recirculation of the EIR is needed pursuant to Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5 because no significant new information has been added to the EIR after the public notice was given of the availability of the draft EIR for public review under Section 15087 but before certification. Specifically:

- (1) No new significant environmental impacts would result from the revised COSE and no new mitigation measure are proposed to be implemented;
- (2) No new substantial increase in the severity of an environmental impact would result from the revisions to the COSE;
- (3) No new feasible project alternative or mitigation measures considerably different from others previously analyzed that would clearly lessen the environmental impacts of the project, have been identified;
- (4) The EIR complies with CEQA and is not fundamentally or basically inadequate; the EIR is not conclusory in nature and meaningful public review and comment have not been precluded.

### **1. Supporting Evidence**

During the Board of Supervisors public hearings and deliberations on the Conservation and Open Space Element Update, changes to the text of the document have been proposed, thoroughly discussed and tentatively approved. All changes have been reviewed by staff and have been fully discussed during the public hearings on the COSE and Final EIR. The changes made to the Conservation and Open Space Element language do not introduce substantial or significant new information that would trigger the need for recirculation as set forth in CEQA and the CEQA Guidelines.

In particular, a letter from the North County Watch organization dated 4/1/10 was received. The letter concludes that recirculation of the EIR is needed. The argument for recirculation provided by North County Watch is centered on the changes made in the Soils Chapter of the Conservation and Open Space Element. The North County Watch letter states that staff has recommended significant changes to the definitions of soil categories as they relate to agricultural lands.

In fact, it is important to note that the only notable change made to the Soils Resources Section was to add the following sentence to Soils Policy SL3.1: “Proposed conversion of agricultural lands to non-agricultural uses shall be evaluated against the applicable policies in this COSE and in the Agriculture Element, particularly Policy AGP 24”. Based on this change, no new significant or substantial information has been introduced that would trigger the need to recirculate the EIR pursuant to Section 15088.5 of the CEQA Guidelines.

This change does not constitute significant or substantial new information and 1) does not result in any new significant impacts, 2) does not require any new mitigation measures, and 3) does not require any analysis of new alternatives.

The added sentence referenced above refers to existing General Plan policy and reminds the public and decision makers that there are other existing policies in the Conservation and Open Space Element and other General Plan elements that address the issue of agricultural conversion. It is clear that the added sentence is only a reference to other Conservation and Open Space Element policies and existing policies and does not change the EIR conclusion that there are no significant impacts to soils.

Therefore, based on the information stated above, it is clear that there is no requirement to recirculate the COSE EIR.

In addition, the EIR process included the required public review and no new information has been introduced that would negate meaningful public review and comment. The COSE and the EIR have gone through at least 16 full public hearings prior to final action being taken by the Board of Supervisors.

During public review of the EIR, a comment was made that the analysis included a multitude of references to other documents that precluded meaningful public review. It should be noted that Pursuant to CEQA § 15150, several documents have been incorporated into the EIR analysis in their entirety by reference, and their conclusions, unless otherwise specified in the EIR, apply. The referenced documents are available for review at the County of San Luis Obispo Department of Planning and Building.

**B.** The Board of Supervisors finds that no recirculation of the EIR is needed pursuant to Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5 because the Conservation and Open Space Element Update does not expand the reach of the existing Policy AGP 24; and no new impacts are introduced.

## **1. Supporting Evidence**

The text of the Conservation and Open Space Element specifically references Policy AGP 24 of the County’s existing Agricultural Element of the General Plan when discussing the conversion of agricultural land. AGP 24, conversion of agricultural lands, discourages the conversion of agricultural lands to non-agricultural uses through a specific set of actions:



#### AGP24: Conversion of Agricultural Land.

- a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:
  1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Liaison Advisory Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.
  2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.
  3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.
  4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.

Following these policy statements, the Element provides a discussion of the policy. This discussion states in relation to No. 2 above, "...specific criteria should be developed for when it may be appropriate to convert agricultural lands to other uses". This criteria has not yet been developed. The discussion continues and states, "The criteria should include, but not necessarily be limited to, the following:"

One of "the following" mentioned above states: "Where agricultural land is proposed for conversion to urban/suburban uses, give consideration to the protection of agricultural lands in the following priority order: row crop terrain and soils, specialty crops and forage lands, dry farm lands, and rangelands for grazing."

During the public comment associated with the Conservation and Open Space Element Update, it was stated that the reference to AGP 24 in Policy SL 3.1 expands the criteria of existing AGP 24 to any conversion of agricultural lands to non-agricultural uses not just to "urban and "suburban" uses.

This statement is untrue because:

1. The criteria referenced under AGP 24 is part of the discussion of the policy, not the policy itself. The discussion does not have the force of policy but only offers guidance.
2. The priority order for protecting agricultural lands is a suggestion as evidenced by the specific language in the discussion such as use of the phrases, "criteria should include" and, "but not necessarily be limited to, the following".

The Conservation and Open Space Element does not expand on the existing policy language in the Agriculture Element. Based on the requirements for recirculation of an EIR as set forth in the CEQA Guidelines, the reference to AGP 24 does not require recirculation.

## **VIII. MITIGATION MONITORING PROGRAM**

- A.** As identified in Part VI above, the Mitigation Monitoring Program is essentially the Implementation Strategies of the COSE. In general, policy-related mitigation measures will be implemented either through existing federal, state or local laws, County Ordinances, policies and practices as identified in the Mitigation Monitoring Program (Appendix B of the EIR). The Mitigation Monitoring Program table summarizes the County department or other agency that has primary responsibility for carrying out that strategy. In addition, the table summarizes the priority, estimated year of initiation, and potential source of funding of each strategy.
- B.** The County Department of Planning and Building, Planning and Environmental Divisions, will be responsible for implementing the mitigation measure compliance (COSE implementation) effort. Mitigation or implementation measures will be programmed to occur at, or prior to, the following milestones:
  - 1. On an on-going basis, through implementation of applicable federal, state and County laws.
  - 2. Immediately through existing budget or monies, as applicable.
  - 3. By certain future actions identified in the Implementation Strategies of the COSE).  
Verification of these items are to begin in either 2010, 2011, 2012 or 2013.

The actual timeframe for implementing the strategies is dependent upon the availability of adequate staff and funding.